

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
MARIA ZAPATA	:	VIOLATIONS: 21 U.S.C. § 846
WALTER GARCIA	:	(Conspiracy to distribute
ALEJANDRO DELGADO	:	heroin - 1 count)
	:	21 U.S.C. § 841 (a)(1)
	:	(Distribution of heroin -
	:	1 count)
	:	(Possession with intent to
	:	distribute heroin - 2 counts)
	:	21 U.S.C. § 841 (a)(1)
	:	(Possession with intent to
	:	distribute cocaine - 1 count)
	:	18 U.S.C. § 2
	:	(Aiding and abetting)
	:	21 U.S.C. § 853
	:	(Criminal forfeiture)
	:	

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From in or about February 2001 to on or about March 15, 2002, at Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

MARIA ZAPATA
WALTER GARCIA and
ALEJANDRO DELGADO

did conspire and agree together and with other persons known and unknown to the grand jury,

including co-conspirator Vincente Peguero (charged separately), to knowingly and intentionally distribute and possess with intent to distribute more than 1 kilogram of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

MANNER AND MEANS

2. It was part of the conspiracy that defendants MARIA ZAPATA and WALTER GARCIA and other persons known and unknown to the grand jury obtained kilogram quantities of heroin from sources of supply in Colombia, and from defendant ALEJANDRO DELGADO, who acted on behalf of, and maintained a "stash house" at 1125 Knorr Street in Philadelphia, Pennsylvania for, Colombian heroin suppliers, whose heroin was intended for distribution and sale in Philadelphia, Pennsylvania and elsewhere.

It was a further part of the conspiracy that:

3. From in or about February 2001 until on or about March 15, 2002, defendants MARIA ZAPATA and WALTER GARCIA supplied, sold and distributed kilogram quantities of heroin to heroin distributors, including co-conspirator Vincente Peguero, until Peguero's arrest in July 2001. The heroin was intended for resale and distribution in Philadelphia, Pennsylvania and elsewhere.

4. Defendant ALEJANDRO DELGADO received regular shipments of heroin from Colombian suppliers that were brought into the United States in powder form concealed in luggage, pocketbooks, shoes, sneakers, belts and sweaters.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, the following overt

acts, among others, were committed in the Eastern District of Pennsylvania:

1. On or about March 11, 2002:

a. Defendants MARIA ZAPATA and WALTER GARCIA met and advised a cooperating witness ["CW"] in Philadelphia that Vincente Peguero owed them \$185,000 for three kilograms of heroin obtained from three different Colombian sources of supply which they had distributed to Peguero before his arrest in July 2001.

b. Defendants MARIA ZAPATA and WALTER GARCIA entered and then exited the residence at 1125 Knorr Street, in Philadelphia, Pennsylvania and, immediately thereafter, met and distributed to the CW a sample of the heroin that they advised the CW they could supply.

c. Defendants MARIA ZAPATA and WALTER GARCIA told the CW that one of their sources of supply of heroin is a Colombian who moved to Philadelphia from New York in order to service the source's multiple customers in Philadelphia.

d. Defendants MARIA ZAPATA and WALTER GARCIA told the CW that they would obtain a sample of the heroin they could supply the CW from their source in Philadelphia.

e. Defendants MARIA ZAPATA and WALTER GARCIA told the CW that the heroin was coming into the United States in powder form concealed in luggage, pocketbooks, shoes, sneakers, belts and sweaters.

f. Defendants MARIA ZAPATA and WALTER GARCIA told the CW that their Philadelphia source of supply of Colombian heroin had several kilograms of white powder heroin available that had been transported into the United States in sneakers.

g. Defendants MARIA ZAPATA and WALTER GARCIA told the CW that their Philadelphia source of supply receives shipments of heroin and cocaine at the end of each week.

h. Defendants MARIA ZAPATA and WALTER GARCIA told the CW that they wanted to provide the requested number of kilograms of heroin to the CW the next day.

i. At approximately 4:30 p.m., defendants MARIA ZAPATA and WALTER GARCIA told the CW that they would meet the CW at a church at Allegheny and Gaul Streets in Philadelphia in 10 minutes.

j. Defendants MARIA ZAPATA and WALTER GARCIA met the CW at a Church at Allegheny Avenue and Gaul Streets in Philadelphia, and entered the CW's car.

k. Defendant MARIA ZAPATA gave a free sample of heroin to the CW and stated that the sample came from ZAPATA and WALTER GARCIA's Philadelphia source of supply.

l. Defendants MARIA ZAPATA and WALTER GARCIA told the CW that they would be able to provide the CW with four kilograms of heroin at a price of \$65,000 per kilogram.

m. Defendants MARIA ZAPATA and WALTER GARCIA agreed that they would meet with the CW to deliver the kilograms of heroin on March 15, 2002 and accept a \$40,000 cash payment "up front," and told the CW that the four kilograms of heroin were already in Philadelphia at their source's residence.

n. Defendants MARIA ZAPATA and WALTER GARCIA told the CW that they would pick up the kilograms of heroin from their source of supply in Philadelphia prior to

meeting the CW on March 15, 2002.

o. Defendants MARIA ZAPATA and WALTER GARCIA agreed that the CW would make payments on Peguero's heroin debt to them from the heroin profits the CW would realize on the sale of the heroin.

p. Defendants MARIA ZAPATA and WALTER GARCIA told the CW that the price of heroin was going up to \$85,000 per kilogram in the future because the source of supply in Colombia told ZAPATA and GARCIA that the United States is going to send military personnel into Colombia to irradiate the drug crop, that the drug cartels are going to re-locate to other areas and re-plant the drug crops, thereby causing a decrease in the available supply of heroin, and driving heroin prices up.

2. On or about March 12, 2002:

a. Defendant MARIA ZAPATA telephoned the CW and, using coded language, inquired about the quality of the sample of heroin that had been provided the day before, and agreed with the CW that the sample was of good quality.

b. During a telephone call, defendant MARIA ZAPATA told the CW that their heroin source of supply had contacted defendants ZAPATA and WALTER GARCIA to determine if they had heard from the CW about how many kilograms of heroin the CW wanted to obtain.

c. During a telephone call, defendant MARIA ZAPATA agreed that she and defendant WALTER GARCIA would meet the CW between 9:00 and 10:00 a.m. on March 15, 2002, and deliver four kilograms of heroin to the CW.

d. During a telephone call, defendant MARIA ZAPATA told the CW that

defendants ZAPATA and WALTER GARCIA had agreed to lower the price of the heroin to be delivered from \$65,000 to \$64,000 per kilogram.

3. On or about March 15, 2002:

a. Defendants MARIA ZAPATA and WALTER GARCIA parked their vehicle, a Burgundy GMC Jimmy truck bearing New York registration AXU-3815, adjacent to the residence at 1125 Knorr Street in Philadelphia and knocked on the side door, and then returned to their vehicle.

b. At approximately 8:45 a.m., defendants MARIA ZAPATA and WALTER GARCIA entered the side door of 1125 Knorr Street together and met with defendant ALEJANDRO DELGADO.

c. At approximately 9:32 a.m., defendants MARIA ZAPATA and WALTER GARCIA left the residence at 1125 Knorr Street, entered a teal Kia bearing Pennsylvania registration EJJ-6785, and drove and then parked the vehicle in the vicinity of Allegheny Avenue and Chatham Street in Philadelphia.

d. At approximately 10:06 a.m., defendants MARIA ZAPATA and WALTER GARCIA, with GARCIA carrying a bag, entered the CW's vehicle in the vicinity of Allegheny Avenue and Gaul Street in Philadelphia.

e. At approximately 10:15 a.m., defendants MARIA ZAPATA and WALTER GARCIA advised the CW that they had brought only one kilogram of heroin with them and showed the heroin to the CW.

f. At approximately 10:16 a.m., defendants MARIA ZAPATA and WALTER GARCIA possessed with intent to distribute approximately 1,001.1 grams of heroin concealed in

the insoles of a pair of Hilfiger sneakers inside the CW's vehicle.

g. Defendant ALEJANDRO DELGADO concealed in a closet in the basement of 1125 Knorr Street, Philadelphia, Pennsylvania approximately 1.869 kilograms of heroin.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 11, 2002, at Philadelphia, in the Eastern District of
Pennsylvania, defendants

MARIA ZAPATA and
WALTER GARCIA

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture or
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and
Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 15, 2002, at Philadelphia, in the Eastern District of
Pennsylvania, defendants

MARIA ZAPATA,
WALTER GARCIA, and
ALEJANDRO DELGADO

knowingly and intentionally possessed with intent to distribute, and aided and abetted the
possession with intent to distribute of, more than 1 kilogram, that is, approximately 1,001.1
grams, of a mixture or substance containing a detectable amount of heroin, a Schedule I
controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and
Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 15, 2002, at Philadelphia, in the Eastern District of
Pennsylvania, defendants

MARIA ZAPATA,
WALTER GARCIA, and
ALEJANDRO DELGADO

knowingly and intentionally possessed with intent to distribute, and aided and abetted the
possession with intent to distribute of, more than 1 kilogram, that is, approximately 1,869.7
grams, of a mixture or substance containing a detectable amount of heroin, a Schedule I
controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and Title
18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 15, 2002, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

ALEJANDRO DELGADO

knowingly and intentionally possessed with intent to distribute more than 500 grams, that is,
approximately 931.2 grams, of a mixture or substance containing a detectable amount of cocaine,
a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

NOTICE OF FORFEITURE

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), as set forth in Counts 1 through 5 of this Indictment, defendants

MARIA ZAPATA,
WALTER GARCIA, and
ALEJANDRO DELGADO

shall forfeit to the United States of America:

(a). All property derived from any proceeds obtained, directly or indirectly, as a result of these violations of Title 21 as charged in this indictment, including, but not limited to: 1) the sum of \$28,436.00 representing drug proceeds obtained from the sale and distribution of heroin and cocaine; and

(b). All property which was used or intended to be used in any manner or part to commit or facilitate the commission of any of these violations;

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants MARIA ZAPATA, WALTER GARCIA, and ALEJANDRO DELGADO,

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third party;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to

seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney